

Title	Family Law: Miscellaneous Forms; (approve forms FL-117, FL-144, and FL-345; revise forms FL-115, FL-180, FL-250, FL-260, FL-270, and FL-344)
Summary	These forms are designed to assist self-represented litigants with the paperwork for a divorce and to enable parents who have adopted a child but are not married, including same-sex couples, to obtain custody and support orders upon separation.
Source	Family and Juvenile Law Advisory Committee
Staff	Bonnie Hough, 415-865-7668
Discussion	<p>New form FL-117, <i>Notice of Acknowledgment and Receipt -Family Law</i> is being proposed for use in family law cases. It specifically lists the different summonses and petitions that must be served for cases brought under the Family Code than form 982(a)(4), the civil <i>Notice of Acknowledgment of Receipt</i>. It will be easier for litigants to find the correct form by bringing it into the family law numbering system.</p> <p>Form FL-115, <i>Proof of Service of Summons (Family Law, Uniform Parentage, Custody and Support)</i> is being modified to reflect use of new FL-117 rather than form 982(a)(4), the civil <i>Notice of Acknowledgment of Receipt</i>.</p> <p>New form FL-144, <i>Stipulation and Waiver of Final Declaration of Disclosure</i>, has been developed to assist litigants to comply with the requirements of Family Code section 2105, which sets out the conditions under which the parties may waive a final declaration of disclosure.</p> <p>Forms FL-250, <i>Judgment (Uniform Parentage - Custody and Support)</i>, FL-260, <i>Petition for Custody and Support of Minor Children</i>; FL-270 <i>Response to Petition for Custody and Support of Minor Children</i>; would be changed to permit domestic partners, and unmarried and same-sex couples to obtain child custody and visitation orders when they separate. Currently no forms are available to assist those parents in obtaining orders upon separation.</p> <p>The change to form FL-250 would also permit it to accurately reflect the court’s order of parentage when married couples, domestic partners, and same-sex couples have contracted with a surrogate. Since Family Code section 9000 has recently been amended to allow stepparent adoption by domestic partners, the <i>Judgment</i> would be</p>

amended to show that there may be multiple mothers or multiple fathers.

FL-344, *Property Order Attachment*, will be retitled *Property Order Attachment to Findings and Order After Hearing*, and a new form, FL-345, *Property Order Attachment to Judgment*, will be created. Since the orders made after a hearing are significantly different from those that can be made after a judgment, it is quite confusing to allow both of these uses on one form. Form FL-344 will be revised to reflect the requirement that any notice of proposed extraordinary expenses must be made at least five business days before such expenses are incurred. This requirement is contained in form FL-110, *Summons (Family Law)*, and is based on the requirement in Family Code section 2040(a)(2). Self-represented litigants with a small amount of property to divide will be able to use the *Property Order Attachment to Judgment* to assist them in completing their judgment.

Form FL-180, *Judgment (Family Law)* is modified to incorporate new form FL-345. The committee requests specific comment on whether the Judgment should require that forms FL-341, *Child Custody and Visitation Order Attachment* and FL-342, *Child Support Information and Order Attachment* should be required in order to ensure that the required findings are made in cases involving child custody and support.

The proposed forms are attached at pages 3-17.

Attachments

PETITIONER:	CASE NUMBER:
RESPONDENT:	

3. b. (3) on (date): _____ at (time): _____
- (4) I thereafter mailed (by first-class, postage prepaid) copies to the respondent at the place where the copies were left. (Code Civ. Procedure 415.20b) on (date): _____
- (5) A **declaration of diligence** is attached stating actions taken to first attempt personal service.
- or-**
- c. **Mail and acknowledgment service** by mailing the copies to the respondent, addressed as shown in item 2, by first-class mail, postage prepaid,
- (1) on (date): _____ (2) from (city): _____
- (3) with two copies of the *Notice and Acknowledgment of Receipt—Family Law* (form FL-117) and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt—Family Law* (form FL-117.) (Code Civ. Procedure, § 415.30)
- (4) to an address outside California (by registered or certified mail with return receipt requested) (Attach signed return receipt or other evidence of actual delivery to the respondent.) (Code Civ. Procedure, § 415.40)
- d. **other** (specify code section): _____
- Additional page is attached.

4. The NOTICE TO THE PERSON SERVED on the *Summons* was completed as follows (Code Civ. Procedure, §§ 412.30, 415.10, and 474):
- a. as an individual
- b. on behalf of respondent who is a:
- Individual (Code Civ. Procedure § 416.90) Ward or Conservatee (Code Civ. Procedure § 416.70)
- Minor (Code Civ. Procedure § 416.60) Other (specify): _____

5. **Person who served papers**

Name: _____

Address: _____

Telephone number: _____

I am:

- a. Exempt from registration under Business and Professions Code section 22350(b).
- b. Not a registered California process server.
- c. Registered California process server.
- (1) Employee or independent contractor.
- (2) Registration no.: _____
- (3) County: _____
- d. **The fee** for service was: \$ _____

6. **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

7. **I am a California sheriff, marshal, or constable and** I certify that the foregoing is true and correct.

Date: _____

 (NAME OF PERSON WHO SERVED PAPERS)

▶

 (SIGNATURE OF PERSON WHO SERVED PAPERS)

PETITIONER: _____ RESPONDENT: _____	CASE NUMBER: _____
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**PROPERTY ORDER ATTACHMENT TO FINDINGS
AND ORDER AFTER HEARING**

THE COURT ORDERS

1. **Property restraining orders.**
- a. Petitioner Respondent Claimant are restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.
 - b. Petitioner Respondent must notify the other party of any proposed extraordinary expenses at least 5 business days before incurring such expenses and an accounting of such is to be made to the court.
 - c. Petitioner Respondent are restrained from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage including life, health, automobile, and disability held for the benefit of the parties or their minor child or children.
 - d. Petitioner Respondent must not incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.

2. **Possession of property.**
- a. The exclusive use, possession, and control of the following property the parties own or are buying are given to:
- | | |
|----------|----------|
| Property | Given to |
|----------|----------|

- b. As attached.
3. **Payment of debts.**
- a. Payments on the following debts coming due while this order is in effect must be paid as follows:
- | | | | |
|------------|--------------------|--------|---------|
| Total debt | Amount of payments | Pay to | Paid by |
|------------|--------------------|--------|---------|

- b. As attached.
4. Other (*specify*): _____

5. These are temporary orders only. The court will make final orders at the time of judgment.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	CASE NUMBER:
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5. d. I request that visitation be supervised for the following persons, with the following restrictions:

Continued on Attachment 5c(2).

- e. I request that the child abduction prevention orders requested on form FL-312 be approved.
- f. I request that the proposed holiday schedule set out in FL-341(C) be approved.
- g. I request that additional orders regarding child custody set out in FL-341(D) be approved.
- h. I request that joint legal custody be ordered as set out in FL-341(E).
- i. I request special orders regarding child custody set out in FL-341(F).

6. Fees and costs of litigation.

Attorney fees to be paid by Petitioner Respondent. Each party to pay own fees.

7. Child Support.

The court may make orders for support of the children and issue an earnings assignment without further notice to either party. A completed *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155) is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

_____ (TYPE OR PRINT NAME)		_____ (SIGNATURE OF RESPONDENT)
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NOTICE: Any party required to pay child support must pay interest on overdue amounts at the "legal rate," which is currently 10 percent.

PETITIONER/PLAINTIFF:	CASE NUMBER:
RESPONDENT/DEFENDANT:	

5. d. I request that visitation be supervised for the following persons, with the following restrictions:

Continued on Attachment 5c(2).

- e. I request that the child abduction prevention orders requested on form FL-312 be approved.
- f. I request that the proposed holiday schedule set out in FL-341(C) be approved.
- g. I request that additional orders regarding child custody set out in FL-341(D) be approved.
- h. I request that joint legal custody be ordered as set out in FL-341(E).
- i. I request special orders regarding child custody set out in FL-341(F).

6. **Fees and cost of litigation.**

Attorney fees to be paid by Petitioner Respondent. Each party to pay own fees.

7. **Child support.**

The court may make orders for support of the children and issue an earnings assignment without further notice to either party. A completed *Income and Expense Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-155) is attached.

8. **I have read the restraining order on the back of the Summons (Uniform Parentage—Petition for Custody and Support) (form FL-210), and I understand that it applies to me when this petition is filed.**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

 (TYPE OR PRINT NAME) ▶ _____
 (SIGNATURE OF PETITIONER)

A blank *Response to Petition for Custody and Support of Minor Children* (form FL-270) must be served on the Respondent with this petition.

NOTICE: If you have a child from this relationship, the court is required to order child support based on the incomes of both parents. You should supply the court with information about your income. Otherwise, the child support order will be based on information supplied by the other parent. Any party required to pay child support must pay interest on overdue amounts at the "legal rate," which is currently 10 percent per year.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
JUDGMENT	CASE NUMBER:

1. This judgment contains personal conduct restraining orders modifies existing restraining orders.
 The restraining orders are contained in item(s) _____ of the attachment.
 They expire on (date): _____ . A CLETS form must be attached.
2. a. This matter proceeded as follows: Default or uncontested By declaration Contested
 b. Date: _____ Dept.: _____ Room: _____
 c. Judicial officer (name): _____ Temporary judge:
 d. Petitioner present Attorney present (name): _____
 e. Respondent present Attorney present (name): _____
 f. Petitioner appeared without counsel and was advised of relevant rights.
 signed *Advisement and Waiver of Rights Re: Establishment of Parental Relationship* (form FL-235).
 g. Respondent appeared without counsel and was advised of relevant rights.
 signed *Advisement and Waiver of Rights Re: Establishment of Parental Relationship* (form FL-235).
 h. Other parties or attorneys present (specify): _____

3. THE COURT ORDERS

a. Name: Mother Name: Mother
 Father Father
 are the parents of the following children:
 Child's name Date of birth

- b. Child custody and visitation are ordered in one or more of the attached forms:
 (1) *Child Custody and Visitation Order Attachment* (form FL-341)
 (2) *Stipulation for Order for Child Custody and/or Visitation of Children* (form FL-355)
 (3) other attachment (specify): _____
- c. Child support is ordered as stated in one or more of the attached forms:
 (1) *Child Support Information and Order Attachment* (form FL-342)
 (2) *Stipulation to Establish or Modify Child Support and Order* (form FL-350)
 (3) other attachments (specify): _____
- d. Both parties must complete and file with the court a *Child Support Case Registry Form* (form FL-191) within 10 days of the date of this judgment. Thereafter, the parents must notify the court of any change in the information submitted, within 10 days of the change.
- e. The *Information Sheet on Changing a Child Support Order and Notice of Rights and Responsibilities—Health Care Costs and Reimbursement Procedures* (form FL-192) is attached.
- f. The last names of the children are changed to (specify): _____

PETITIONER:	CASE NUMBER:
RESPONDENT:	

- 3. g. Attorney fees and costs are ordered as stated in the attachment.
- h. Reasonable expenses of pregnancy and birth are ordered as stated in the attachment.
- i. The court orders that the birth certificate be amended.
- j. The court further orders (*specify*):

Continued on Attachment 3i.

4. Number of pages attached: _____

Date:

JUDICIAL OFFICER
 SIGNATURE FOLLOWS LAST ATTACHMENT

NOTICE: Any party required to pay child support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent per year.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address) : TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY <h1 style="margin: 0;">DRAFT 2</h1> <h1 style="margin: 0;">3/10/03</h1>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
MARRIAGE OF PETITIONER: RESPONDENT:	
<p style="text-align: center;">JUDGMENT</p> <input type="checkbox"/> Dissolution <input type="checkbox"/> Legal separation <input type="checkbox"/> Nullity <input type="checkbox"/> Status only <input type="checkbox"/> Reserving jurisdiction over termination of marital status <input type="checkbox"/> Judgment on reserved issues Date marital status ends:	CASE NUMBER:

1. This judgment contains personal conduct restraining orders modifies existing restraining orders.
 The restraining orders are contained on page(s) _____ of the attachment. They expire on (date): _____

2. This proceeding was heard as follows: default or uncontested by declaration under Fam. Code, § 2336
 contested
 - a. Date: _____ Dept.: _____ Rm.: _____
 - b. Judicial officer (name): _____ Temporary judge
 - c. Petitioner present in court Attorney present in court (name): _____
 - d. Respondent present in court Attorney present in court (name): _____
 - e. Claimant present in court (name): _____ Attorney present in court (name): _____
 - f. Other (specify name): _____

3. The court acquired jurisdiction of the respondent on (date):
 Respondent was served with process Respondent appeared

4. THE COURT ORDERS, GOOD CAUSE APPEARING:
 - a. Judgment of dissolution be entered. Marital status is terminated and the parties are restored to the status of unmarried persons
 (1) on the following date (specify): _____
 (2) on a date to be determined on noticed motion of either party or on stipulation.
 - b. Judgment of legal separation be entered.
 - c. Judgment of nullity be entered. The parties are declared to be unmarried persons on the ground of (specify): _____

 - d. This judgment will be entered nunc pro tunc as of (date): _____
 - e. Judgment on reserved issues.
 - f. Wife's Husband's former name be restored (specify): _____
 - g. Jurisdiction is reserved over all other issues and all present orders remain in effect except as provided below.
 - h. This judgment contains provisions for child support or family support. Both parties must complete and file with the court a *Child Support Case Registry Form* (form FL-191) within 10 days of the date of this judgment. The parents must notify the court of any change in the information submitted within 10 days of the change by filing an updated form. The form *Notice of Rights and Responsibilities and Information Sheet on Changing a Child Support Order* (form FL-192) is attached.

MARRIAGE OF <i>(last name, first name of parties)</i> : _____	CASE NUMBER: _____
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4. i. A marital settlement agreement between the parties is attached.
- j. A written stipulation for judgment between the parties is attached.
- k. Child custody and visitation is ordered as set forth in the attached
- (1) Marital settlement agreement, stipulation for judgment, or other written agreement.
- (2) *Child Custody and Visitation Order Attachment* (form FL-341)
- (3) *Stipulation and Order for Custody and/or Visitation of Children* (form FL-355)
- (4) Other *(specify)*:
- l. Child support is ordered as set forth in the attached
- (1) Marital settlement agreement, stipulation for judgment, or other written agreement.
- (2) *Child Support Information and Order Attachment* (form FL-342)
- (3) *Stipulation to Establish or Modify Child Support and Order* (form FL-350)
- (4) Other *(specify)*:
- m. Spousal support is ordered as set forth in the attached
- (1) Marital settlement agreement, stipulation for judgment, or other written agreement.
- (2) *Spousal or Family Support Order Attachment* (form FL-343)
- (3) Other *(specify)*:

NOTICE: It is the goal of this state that each party shall make reasonable good faith efforts to become self-supporting as provided for in Family Code section 4320. The failure to make reasonable good faith efforts may be one of the factors considered by the court as a basis for modifying or terminating spousal support.

- n. Property is ordered divided as set forth in the attached
- (1) Marital settlement agreement, stipulation for judgment, or other written agreement.
- (2) *Property Order Attachment to Judgment* (form FL-345)
- (3) Other *(specify)*:
- o. Parentage is established for children of this relationship born prior to the marriage.
- p. Other *(specify)*:

Each attachment to this judgment is incorporated into this judgment, and the parties are ordered to comply with each attachment's provisions.

Jurisdiction is reserved to make other orders necessary to carry out this judgment.

Date: _____

JUDGE OF THE SUPERIOR COURT

5. Number of pages attached: _____

SIGNATURE FOLLOWS LAST ATTACHMENT

NOTICE:

Dissolution or legal separation may automatically cancel the rights of a spouse under the other spouse's will, trust, retirement benefit plan, power of attorney, pay on death bank account, transfer on death vehicle registration, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the rights of a spouse as beneficiary of the other spouse's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement benefit plans, and credit reports to determine whether they should be changed or whether you should take any other actions.

A debt or obligation may be assigned to one party as part of the dissolution of property and debts, but if that party does not pay the debt or obligation, the creditor may be able to collect from the other party.

An earnings assignment will automatically be issued if child support, family support, or spousal support is ordered.

Any party required to pay support must pay interest on overdue amounts at the "legal rate," which is currently 10 percent.

PETITIONER/PLAINTIFF: _____ RESPONDENT/DEFENDANT: _____	CASE NUMBER: _____
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PROPERTY ORDER ATTACHMENT TO JUDGMENT

1. Division of community property assets.

- a. There are no community assets.
- b. The court finds that the net value of the community estate is less than \$5,000 and that petitioner respondent cannot be found. Under Family Code section 2604, the entire community estate is awarded to petitioner respondent.
- c. Petitioner will receive the following assets:
(attach additional page if necessary)
- d. Respondent will receive the following assets:
(attach additional page if necessary)

- e. Petitioner Respondent will be responsible for preparing and filing a Qualified Domestic Relations Order (QDRO) to divide the following plan or retirement account(s):

The fee for preparation of the QDRO shall be shared as follows:

- f. Other orders:
- g. Each spouse will receive the assets listed above as his or her sole and separate property. The parties must execute any and all documents required to effectuate this division.
- h. The court reserves jurisdiction to divide any community assets not listed here and enforce the terms of this order.

2. Division of community property debts.

- a. There are no community debts.
- b. All community debts have been paid by: _____ Petitioner Respondent
 Petitioner Respondent must reimburse the other \$ _____ as and for reimbursement.
 The payment plan is as follows:

- c. Petitioner will be responsible for the following debts:
(Attach additional page if necessary)
- d. Respondent will be responsible for the following debts:
(Attach additional pages if necessary)

PETITIONER/PLAINTIFF:	CASE NUMBER:
RESPONDENT/DEFENDANT:	

e. Other orders:

f. Each spouse will be solely responsible for paying the debts assigned to him or her and will hold the other harmless from the debts. The spouses understand that the creditors are not bound by this judgment. Should a creditor seek payment from the spouse who is not listed as responsible for the debt, that spouse can file a noticed motion to seek reimbursement from the defaulting spouse.

9. The court reserves jurisdiction to divide any community debts not listed here.

3. **Separate property.**

a. The court confirms the following assets or debts as the sole separate property, or sole responsibility of, the petitioner:

b. The court confirms the following assets or debts as the sole separate property, or sole responsibility of, the respondent:

The Marital Settlement Agreement between the parties is attached.

c. Other orders: